

EXHIBIT 39

xx01 ++++++
35-105 Consistency with Master Plan

xx01 The master plan policies were adopted by the planning commission as Resolution Number 97-05-01 on May 14, 1997, and by the city council as Ordinance Number 86100 on May 29, 1997. The master plan policies are intended to provide guidance in the evaluation of future decisions relevant to city planning. The master plan policies do not constitute a substantive change in existing ordinances of the city neither does it supersede nor replace the Unified Development Code or any regulatory ordinance adopted prior to the adoption of the master plan policies. Any amendment to the Unified Development Code or other regulatory ordinances made necessary in order for said regulations to be consistent with the master plan policies shall be implemented pursuant to the process prescribed in the master plan policies, in lieu of any provision of this Code in apparent contradiction.

xx02 through xx10 ++++++
35-105 Consistency with Master Plan
(b) Any neighborhhod plan adopted pursuant to 35-420 of this chapter.

xx02 Master plan elements are authorized under Article IX of the City Charter, Section 121. The Master Plan: "The commission may adopt the master plan as a whole or in parts, and may adopt any amendments thereto." Currently adopted master plan elements include those listed below.

xx03 (1) Transportation Plan/Major Thoroughfare Plan.

The Transportation Plan/Major Thoroughfare Plan was adopted by Resolution Number 78-07-02 of the planning commission on July 12, 1978 and adopted as Ordinance Number 49818 by the city council on September 21, 1978. It contains the city's transportation policies and the areawide transportation planning process and how it relates to that of the city.

xx04 (2) Land Use Plan.

The Land Use Plan was adopted by planning commission Resolution Number 83-05-04 on May 25, 1983 and by the city council on December 8, 1983, Ordinance Number 83-58-102. The Land Use Plan includes land use objectives and policies for six major components: natural resources; utility infrastructure; transportation corridors; urban form; regulatory measures; and annexation, public facilities and services.

xx05 (3) Neighborhood Planning Process.

The Neighborhood Planning Process was adopted by the planning commission as Resolution Number 82-10-01 on October 20, 1982 and by city council Ordinance Number 57068 on June 2, 1983, for the purpose of providing a vehicle whereby neighborhood residents and property owners could organize to develop a neighborhood plan suitable for official recognition by the planning commission and the city council. Neighborhood planning teams can use this process to " . . . identify issues that will affect their neighborhood's future and select actions for solving (or ameliorating) problems."

xx06 (4) Parks Plan.

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

Adopted by city council Ordinance Number 54605 on November 24, 1981, the Parks Plan was prepared as a joint effort between the department of parks and recreation and the department of planning. The Parks Plan is summarized by a single goal: "Every citizen of San Antonio should have the opportunity to avail themselves of quality parks and recreation facilities and services."

xx07 (5) City Water Board Master Plan.

The waterworks master plan is the "Report on Master Plan for Water Works Improvements" dated September 1981 and subsequent revisions thereof. This adopted plan is implemented through the "Regulations for Water Service" adopted November 20, 1984 by the Board of Trustees, on June 12, 1985 by the city planning commission, and by Ordinance Number 60959 on June 27, 1985 by the city council.

xx08 6) Wastewater Facilities Plan.

The Wastewater Facilities Plan consists of sets of wastewater service policies and sewer extension policies. The SAWPAC report included policies which have been implemented; many have been written in the subdivision regulations.

xx09 (7) Drainage master plans.

As the city continues to define and adopt drainage master plans for specific watersheds contained in whole or in part within the city limits and its ETJ, development will be required to conform to the elements of the plan for each particular watershed. The preservation of the inherent characteristics of natural drainage features and of the natural floodplain where practical is an adopted goal of each watershed drainage plan. The guidance for the drainage master plans was provided by the drainage regulation review committee in February 1996. The first two (2) goals stated in the report are to "Ensure that stormwater management considers and provides reasonable safety from flood hazards for people and property" and to "Integrate stormwater management with natural resource enhancement and protection, compliance with environmental regulations and with creating appropriate development." The drainage master plans developed by the city for each watershed provide long-range guidance for managing the stormwater from existing and future land uses in the most efficient ways possible, with consideration for continued development, reduced flooding potential, adequate stormwater conveyance, increased aquifer recharge, water quality, habitat protection, and increased recreational opportunities.

xx10 (c) Requirements for conformity with the master plan.

This section coordinates the various citations within the Unified Code of Development Regulations that refer to the master plan. It is anticipated that with additional reference to the city's master plan and requirements for conformity, the city will see a genuine effort toward implementation of the plan and its elements.

(1) Preliminary overall area development plans (POADP) shall conform to the master plan.

(2) Subdivisions shall conform to the master plan and the parts thereof.

(3) The zoning regulations and districts as established in this chapter have been made in accordance with a comprehensive plan.

1 (d) The zoning commission, in those instances wherein special approval of city
2 council is required, shall consider each such proposed use and make its
3 recommendations to the city council with reference thereto including its
4 recommendation, among other things, as to proper location with respect to the
5 master plan.
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8 **xx11** +++++
9 **35-112 Administrative Official**

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11 **xx11** The administrative official for the purposes of this chapter shall be the city manager and
12 his assistants, deputies, and department heads insofar as they may be charged by the
13 city manager and the provisions of this chapter with duties and responsibilities with
14 reference thereto. Without limitation, the directors of planning, public works, and
15 development services shall ordinarily administer and enforce the provisions of this
16 chapter.
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19 **xx12** +++++
20 **35-304 Official Zoning Map**

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22 **xx12** The regulations herein established shall apply uniformly to all geographical areas having
23 the same district classification and bearing the same symbol or designation on the official
24 map.
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27 **xx13** +++++
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29 "CBD Map Insert"
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32 **xx14** +++++
33 **35-332 "ERZD" Edwards Recharge Zone District**
34 **(c) Development Standards**
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36 **xx14** No use may be established, and no development activity shall occur, within the ERZD
37 except in compliance with the Edwards Aquifer Protection Standards (chapter 34, Article
38 VI, Division 6 of the city Code). For subdivisions constructed over Edwards and
39 associated limestone formations, all construction shall meet the herein referenced city
40 specifications and the latest revision of the Texas Administrative Code, 31 TAC 313.1-
41 313.11.
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44 **xx15 & xx16** +++++
45 **35-339 Urban Corridor Districts (1987)**
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47 **xx15 (a) Development standards.**
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49 (1) **General.** Ordinances establishing specific urban corridor districts shall comply
50 with the requirements addressed in this section subject to the guidelines included
51 herein. In event of a conflict between the specific corridor ordinance and other
52 provisions of this Code, the urban corridor provisions shall prevail.
53

1 **(2) Setbacks.** The setback along designated street corridors may be established in
2 accordance with the table below. The determination of the setback shall take into
3 account lot size, easements, and the location of existing buildings within the
4 corridor. All other setbacks shall comply with the base zoning district
5 requirements. However, residential buildings less than four (4) stories in height
6 shall have no greater setbacks than required by the base zoning district.

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8 Collector street . . . 0-30 feet

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10 Arterial street . . . 0-40 feet

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12 Expressway . . . 0-60 feet

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14 **(3) Reserved.**

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16 **(4) Screening.** The following uses may be required to be screened from a
17 designated street corridor to a height sufficient to completely screen the use from
18 view at ground level: all outside storage and industrial activities, off-street loading
19 areas as required by Division 9 of this article, refuse storage areas, air
20 conditioning and heating equipment, and microwave and satellite antennas.

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22 **(5) Driveways.** The total width of driveways shall not exceed forty (40) percent of
23 each street frontage, but in any event no less than one (1) driveway shall be
24 permitted per platted lot.

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26 **(6) Public facilities.** Public agencies are encouraged to take into account an urban
27 corridor designation and be sensitive to the intent and provisions of a corridor
28 ordinance in the siting and design of facilities which are located within or adjacent
29 to an urban corridor district. On-site utilities may be required to be located
30 underground unless required by the utility to be otherwise located. Public
31 agencies which own property within an urban corridor district are also
32 encouraged to provide landscaping along public rights-of-way.

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34 **(7) Reciprocal access easements.** Reciprocal access easements between
35 adjacent properties for use by the general public are encouraged. Where such
36 easements are platted between adjacent developments and the owners of the
37 developments mutually agree to allow reciprocal parking, a reduction in off-street
38 parking requirements may be granted.

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40 **(b) Site Plan.**

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42 xx16 **(1) Site Plan.** A site plan for all properties within an urban corridor district shall be
43 submitted in conjunction with an application for a building permit or certificate of
44 occupancy. The plan shall be on a standard drawing sheet of a size not to
45 exceed twenty-four by thirty-six (24 X 36) inches and shall be submitted in four
46 (4) copies, including one reproducible copy, together with a reproducible eight
47 and one-half by eleven (8.5 X 11) inches reduction of the plan. The site plan
48 shall include the following information as applicable for a particular urban corridor
49 district:

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51 **A.** Street address, legal description, vicinity diagram, scale, north arrow,
52 and perimeter boundaries.

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54 **B.** Location and dimensions of existing and/or proposed structures,
55 easements, driveways, and parking areas.
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Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

C. Reserved.

D. Location and height of required screening.

E. Location and dimensions of proposed signs.

(2) **Plan Consideration.** Upon submission, each site plan shall be reviewed by the staff for compliance with the standards of the corridor zoning district. If approved, the plan shall be so annotated and one (1) copy of the approved plan shall be returned to the applicant and one (1) copy retained by the department of building inspections.

(3) **Plan Appeal.** If the plan is not approved, the applicant may appeal the staff decision to the board of adjustment for a final determination.

xx17 ++++++

"Reserved"

xx18 ++++++

35-381 Manufactured Home And Recreational Vehicle Parks
(a) Purpose

xx18 The purpose of this division is to achieve orderly development of manufactured home and recreational vehicle parks, to promote and develop the use of land to assure the best possible community environment in accordance with the master plan of the city, and to protect and promote the health, safety and general welfare. Adequate protection shall be provided against any undesirable off-site conditions or any adverse influence from adjoining streets or areas. Throughout this division references and provisions relating to manufactured home parks shall also apply to recreational vehicle parks unless specifically noted.

xx19, xx20, xx21 & xx22 ++++++

35-381 Manufactured Home And Recreational Vehicle Parks
(c) Arrangement of Building and Facilities

xx19 (2) Stand Requirements.

The objective of the manufactured home stand requirements set forth in this division is to provide for the following:

xx20 A. Practical placement of a manufactured home on its stand by means of a car or conveyor truck.

xx21 B. Retention of the manufactured home on the stand in a stable condition and a satisfactory relationship to its surroundings.

xx22 C. Practical removal of the manufactured from the lot by means of a car, conveyor truck, or other customary moving equipment.

xx23 ++++++
35-382 Miniwarehouses

xx23 (f) All building elevations shall be of finished quality.

xx24 through xx29 ++++++
35-388 Radio, Television Antenna, and Wireless Communication Systems

(b) Radio and Television Antenna
(1) Height.

xx24 The height of an antennae shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade adjacent to the antenna or antenna support structure if ground-mounted or from the peak of the roof if roof-mounted. Antennae within nonresidential districts shall comply with the height and setback requirements for the particular district. Further, All antenna and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, of this Article. All antenna and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, Division 4 this chapter, (35-331 Airport Hazard Overlay District (AHOD)).

(d) Wireless Communication Systems
(5) HDRC Review.

xx25 Antenna support structure towers are prohibited if they are: within two hundred (200) feet of the San Antonio River; or within two hundred (200) feet of a historic landmark; or within two hundred (200) feet of a historic district or River overlay district; or within a historic district or River overlay district. In conjunction with consideration by the zoning commission the application for city council approval may be presented to the Historic Design and Review Commission (HDRC) if the antenna support structure is located within two hundred (200) feet of the Riverwalk or within a historic district.

(e) Wireless Communications Systems permitted by Right

xx26 (4) The historic preservation officer shall review the permit request if the proposed wireless communication system is located within two hundred feet (200) of the Riverwalk or within a historic district. The permit request may be presented to the Historic Design and Review Commission (HDRC) for a recommendation if the antenna support structure is located within two hundred (200) feet of the Riverwalk or a historic landmark or within a historic district.

(f) Wireless Communication Systems in Public Right-of-Way
(1) Generally.

- xx27** A. City Public Service electrical substations and power generation plants shall be reviewed by the historic and design review commission if they are within two hundred (200) feet of the river overlay district, or if they are two hundred (200) feet of a historic landmark, if they are within two hundred (200) feet of a historic district, or if they are within a historic district.
- B. The requirements set forth in subsections (d)(1), (d)(3), and (d)(5) of this part are met, subsection (d)(6) shall not apply to city public service electrical substations and power generation plants.

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(f) Wireless Communication Systems in Public Right-of-Way
(4) Prohibitions Regarding the River Walk, Historic Landmarks, and Historic Districts.

xx28 Wireless communication towers shall be prohibited in all zoning classifications if the land, structures, rights-of-way or easement s are owned, leased or used by the city of San Antonio, San Antonio Water system, or City Public Service and are within two hundred (200) feet of the river overlay district, or are within two hundred (200) feet of a historic landmark, or are within two hundred (200) feet of a historic district, or are in a historic district. The historic preservation officer shall review the permit request and if the proposed wireless communication system is located within two hundred (200) feet of the Riverwalk or within a historic district.

35-389 Relocation of Buildings and Structures

xx29 (c) Certificates of Occupancy

In cases in which structure relocations are permissible, certificates of occupancy shall not be issued by the director of development services until all applicable provisions of (a) above and Chapter 6, Article VII of the City Code and all other applicable requirements for issuance of certificate of occupancy required by deferral, and state law and city charter and ordinances are complied with.

xx30 ++++++
35-395 Temporary Uses

xx30 (e) Religious meetings.

Tent and open air church revivals or meetings may be permitted in nonresidential districts for a maximum period of thirty (30) days between the hours of 8:00 a.m. and 10:00 p.m.

(f) Tents

Tents used for special events may be permitted for a period not to exceed one (1) week.

xx31 ++++++

xx31 35-397 Temporary Common Worker Employer

Temporary common worker employer shall comply with the following requirements.

(a) Hours of operation shall be limited to the period between 6:00 a.m. and 10:00 p.m.

(b) A sign shall be prominently displayed on the front of the establishment identifying the hours when workers may apply for jobs.

(c) The establishment shall provide an indoor waiting area large enough to accommodate the maximum number of workers congregating on the premises at any one time.

(d) The establishment shall provide indoor restroom facilities for the workers.

(e) The establishment shall not permit any loitering on the premises and shall maintain the outside yard area free of trash, litter, and graffiti.

35-398 to 35-399 Reserved

xx32, xx33 & xx34 ++++++
35-413 PUD Plan

xx32 (a) Public Hearing.

Upon submission of the PUD plan, the director of planning shall distribute copies to appropriate city departments and agencies for review. Upon receipt of all required items and reviews, the director of planning shall schedule a public hearing by the planning commission on the proposed plan and shall provide written notice of the hearing to the owners of real property lying within two hundred (200) feet of the PUD boundaries. The notice shall be mailed at least ten (10) days prior to the public hearing date.

xx33 (b) Plan Approval.

After the public hearing the commission may approve the plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with any amendments shall be signed by the chairman and secretary of the commission. A copy of the approved PUD plan shall be distributed to the director of building inspections and other appropriate departments/agencies for use in issuing permits.

xx34 (c) Plan Changes.

Alterations to a PUD plan shall be classified as either substantial or nonsubstantial amendments. Nonsubstantial amendments may be approved by the director of planning. Substantial amendments shall be considered by the planning commission following the same procedure required for the initial approval of the plan, including payment of the plan review fee. The following criteria shall be used to identify a substantial amendment:

- (1) A change which would include a land use not previously permitted under the approved PUD zoning.
- (2) A change which would alter the land use type adjacent to a PUD boundary.
- (3) A change which would increase the overall density of the PUD by more than ten (10) percent. However, in no instance may the overall density of the PUD exceed that permitted by the base zoning district.
- (4) A change which the director of planning determines would significantly alter the general character or overall design of the plan.

xx35 through xx38 ++++++
35-421 Zoning Amendments
(e) Approval Criteria

(7) Right-of-way dedication.

- xx35** A. When considering a rezoning request initiated by a property owner, the city council may require right-of-way dedication along major thoroughfares and streets which do not meet the minimum right-of-way standards established by Article IV of this chapter. Right-of-way dedication shall be required when the rezoning will change the street classification or increase the amount of traffic on the major thoroughfare or street based on the maximum intensity of the uses permitted in the existing and requested zoning districts.
- xx36** B. A change from either temporary or permanent R-4, RM-4, R-5, R-6, R-20 or MH, to a multiple family residence, business, industrial, business park, or entertainment district zoning classification shall constitute prima facie evidence that an increase in traffic shall occur and require right-of-way dedication. The property owner shall have the right to introduce evidence to the zoning commission and city council to show that the zoning change will not increase traffic; however, the evidence must be based on all uses permitted in the requested zoning classification, not solely on the proposed use of the property.
- xx37** C. The city council may require right-of-way dedication in other zoning changes as traffic and street conditions may warrant.
- xx38** D. The requirement for right-of-way dedication shall not be construed as a condition precedent to the approval of a change in zoning, but shall be a condition precedent to the granting of a building permit and/or certificate of occupancy.

(8) Other Factors.

The city council may consider any other factors relevant to a rezoning application under Texas law.

xx39 +++++
35-422 Conditional Zoning
(e) Criteria

xx39 **(5) “QD” Special Use Permits**

In considering a request for a special use permit for “QD” zoning, the zoning commission may also recommend the application of any or all of the development constraints provided for in section 35-350(c) and 35-350(d) of this chapter as well as require more stringent adverse effects control than is required by section 16-405 of this code.

xx40 +++++
35-422 Conditional Zoning

xx40 **(j) “SUP” Suffix Designation**

Special use permits granted prior to the effective date of this ordinance shall be re-designated from a suffix of “SUP” to suffix of “ESUP” (existing special use) to distinguish those properties from new special use permits to be designated by the suffix “SUP”.

xx41 +++++
35-423 Specific Use Authorization
(d) Decision
(4) Conditions.

xx41 C. At the time of granting special approval for athletic fields in residential, office or light commercial zones, the council may limit the duration of such use to a time period of not less than two (2) years, so that upon completion of such period as so established by the council, the use of property for such purpose must cease, unless a new special approval is granted by the council after following the same procedures involving notices and hearings as was followed originally and after receipt of recommendations from the zoning commission and a report from city staff concerning violations of any conditions or detrimental effects the use has had on adjacent property.

xx42 +++++
35-430 Applicability & General Rules
(a) Subdivisions Subject To This Section

(1) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of the city who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

xx42 The owner of a tract of land situated within San Antonio's corporate limits or extraterritorial jurisdiction shall cause a plat to be made thereof upon a request for utility service or a building permit; or upon dividing the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts unless a specific exception to such requirement is provided for in section 35-430(c). A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated. For purposes of this subsection, access shall mean a minimum frontage of twenty (20) feet on a platted public or private street.

xx43 ++++++
35-430 Applicability & General Rules
(a) Subdivisions Subject To This Section

xx43 (3) The above notwithstanding, this should not be construed as a limitation to the city's ability to require platting under Section 212.004 of VTCA, Local Government Code, when the city has substantial evidence that land is being subdivided in the manner set out in Section 212.004 of VTCA, Local Government Code. In such an instance, however, the specific exceptions set out in Subsection (b) herein shall remain applicable.

The City of San Antonio typically becomes aware that a division of land has occurred after the fact.

xx44 ++++++
35-430 Applicability & General Rules
(c) Plat Exceptions

xx44 (10) The land for which a building permit or utility service is being requested is a lot or remaining portion of a lot previously platted under the jurisdiction of the county or city.

xx45 ++++++
35-431 Letters of Certification
(b) Initiation
(2) Referral.

xx45 The department of development services shall circulate the development plat to reviewing agencies and departments for identification of any rights-of-way and easements which may be required. If rights-of-way and/or easements are required, the applicant shall prepare instruments dedicating the rights-of-way/easements to the appropriate agencies and departments. The instruments shall be filed for record in the county deed records prior to approval of the development plat. In addition to the certifying departments, copies of the requests for plat review along with required information shall be distributed to the, Southwestern Bell Telephone, Cable Television, aviation department, development services department, San Antonio River Authority, San Antonio Development Agency, and Bexar County public works department. A letter of certification is not required from these departments.

xx46 & xx47 ++++++
35-432 Procedures for Subdivision Plat Approval
(c) Completeness Review for Plat Approval

xx46 (2) **Review and Acknowledgement**

No plat shall be considered filed until review and acceptance of the Master Development Plan is completed.

(d) Decision
(3) Withdrawal of Application.

xx47 Once filed with the reviewing agency, a plat may be withdrawn provided that a written notice of withdrawal stating the reasons for the request is submitted to the director of development services. The thirty (30) day time limitation shall cease on the date that the notice is received by the director; however, the director may elect to present a withdrawal request to the planning commission for consideration. A plat application shall be void for all purposes if it is withdrawn by the applicant.

xx48 ++++++
35-433 Development Plat
(e) Approval Criteria

xx48 The city adopts the following general plans, rules, and ordinances to govern development plats of land within the city and its extraterritorial jurisdiction to promote the health, safety, morals, and general welfare of the city and the safe, orderly, and healthful development of the city.

- (1) The city's Master Plan, including all of its component plans.
- (2) City Public Service's plans and regulations pertaining to the extension of electric and gas service.
- (3) San Antonio Water System's Waterworks Master Plan.
- (4) The Unified Development Code (Chapter 35 of the City Code).
- (5) Any applicable watershed Master Drainage Plan adopted by the city.

xx49 ++++++
35-481 Appeals to Board of Adjustment
(b) Initiation

xx49a (2) Special Exceptions

Special exceptions may be granted for the following uses subject to the conditions specified. The granting of the special exceptions may be revoked if the conditions specified for each special exception are not maintained at all times.

- A. Noncommercial parking lots. Surface parking lots for nonresidential uses may be permitted in residential zoning districts subject to the conditions listed below:
 1. The parking lot shall be used only for the noncommercial parking of private motor vehicles of customers and employees. All other uses, including but not limited to the following, are prohibited:
The sale, display, storage, repair, servicing, or dismantling of any vehicles, equipment, or merchandise.
 2. The parking of vehicles awaiting repair or service.
 3. The parking of trucks over three-fourths (3/4) ton capacity).

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

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- B. Within the A, R-A, R-1, R-5, R-7, and R-8 districts, noncommercial parking lots may be authorized by the board of adjustment for only those uses permitted by right or which have received special approval of the city council within these districts.
 - C. The property on which the proposed parking lot is to be located shall be platted in accordance with Article IV of this chapter
 - D. The parking lot shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition. The parking lot shall be kept free of weeds, litter, and debris.
 - E. Individual parking spaces shall meet the minimum size requirements of Division 6, 35-526 of this article.
 - F. No advertising signs shall be permitted on the lot other than signs indicating the owner or lessee of the lot and providing parking instructions. Sign lettering shall be limited to a maximum height of six (6) inches.
 - G. The parking lot shall not encroach within the front yard setback and shall maintain a minimum setback of ten (10) feet along all other perimeters adjacent to public streets or residential zones. The board of adjustment may vary the setbacks as necessary to protect the residential neighborhood. Barriers shall be installed to prevent parking within the required setback areas.
 - H. Parking lot driveways shall be located to minimize interference with residential traffic. If a parking lot abuts two streets of different classifications (e.g., collector versus local street), access shall be restricted to the street with the higher classification.
 - I. Unless specifically authorized by the board of adjustment, the parking lot shall not be used between seven o'clock p.m. and seven o'clock a.m. If authorized to be used at night, the lot shall be properly and adequately lighted. The standards to which the lights are affixed shall not exceed fifteen (15) feet in height and the lighting shall be confined within the boundary lines of the parking lot. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed.
 - J. Landscaping.
 - i. All required front, side, and rear setback areas shall be landscaped and attractively maintained. The minimum plant requirements per one hundred (100) linear feet of setback area shall include two (2) canopy trees, four (4) understory trees, and twenty (20) shrubs. In addition the setback areas shall be planted with lawn or evergreen ground cover. Plant requirements shall be applied proportionally to setback areas of less than one hundred (100) feet in length. Existing plants which meet the plant criteria may be counted toward satisfying the landscape requirement.

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

ii. In addition to the setback areas, an additional ten (10) square feet of landscaped area shall be provided and maintained for each parking space over twenty-five (25) spaces. This additional landscaped area shall be distributed in islands and medians throughout the interior of the parking lot and shall be protected with barriers to prevent damage from vehicles.

iii. Required landscaped areas shall be provided with either an underground irrigation system or a water connection within one hundred fifty (150) feet of all landscaping.

K. The lot shall be provided with a masonry wall or other adequate screening not less than three (3) feet nor more than six (6) feet in height at all lot lines fronting upon or adjoining a residential district. However, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line if it determines such location provides more protection to the neighborhood. The screening or masonry wall shall in all cases surround the parking lot. On a corner lot, the wall or screening shall be erected back of the area designated by this chapter for corner visibility. Wheel guards shall be installed and maintained above ground at all such walls or screening to prevent vehicles from making contact with the walls or screening.

L. Application for a noncommercial parking lot shall be filed by the owner, lessee, or authorized agent with the department of development services. The application shall be accompanied by a site plan drawn to scale depicting the parking lot layout, proposed driveways, and all landscaping.

M. Granting of a special exception for a noncommercial parking lot shall be for a definite period of time not to exceed four (4) years, and only after notice and a public hearing as provided in this article for appeals to the board of adjustment. In granting a special exception, the board of adjustment may require the noncommercial parking lot to conform to such other conditions as the board may deem necessary to protect the character of the zoning district in which the lot is located.

N. Prior to actual use of a noncommercial parking lot, the owner or lessee shall obtain a certificate of occupancy from the department of development services to verify compliance with the conditions of the special exception. If a certificate of occupancy is not secured within six (6) months of the date of approval, the special exception shall be null and void and have no force or effect.

O. Noncommercial parking lots located in a historic district or landmark site shall conform to the regulations of Article VI Historic Preservation and Urban Design of this code and shall require approval of the parking lot plan from the board of review for historic districts and landmarks prior to construction.

P. Noncommercial parking lots authorized prior to April 1, 1989 shall comply with the conditions imposed at the time of their approval; however, their certificates of occupancy shall expire on the date of their approval in 1993. The director of the department of development services shall notify the owner/lessee of these previously authorized lots and advise them

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

that their special exception must be renewed as required by subsection (2)M. above.

(3) Relocation of any buildings and structures, subject to the following conditions:

- A. Each house must be comparable in size, in quality of construction and in condition to the average of other houses in the area.
- B. The applicant will comply with Chapter 6, Article VII of this Code and with other applicable codes and ordinances.
- C. The use will conform to such other conditions as the board may deem proper in harmony with section 35-3043 hereof.
- D. Permits may be granted under this subsection for buildings which the city's fine arts commission has found to have historic and/or architectural significance and where said commission has made a favorable recommendation as to the relocation site. Such exceptions shall contain appropriate conditions as to repairs to be made. Provisions of other codes of the city or of other chapters of this Code shall not be waived.

(4) Beauty shops and barber shops may be permitted in all residential zones established by this chapter subject to the following limitations, conditions and restrictions:

- A. A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the beauty shop or barbershop is to be located shall be submitted.
- B. The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the beauty shop or barbershop shall be permitted.
- C. Signs advertising the beauty shop or barbershop are not permitted, but a nameplate not exceeding one (1) square foot is permitted when attached flat to the main structure.
- D. The beauty shop or barbershop shall be located within the main structure on the lot and shall not utilize more than twenty-five (25) percent of the gross floor area of the first floor. In the case of a beauty shop in a duplex, the twenty-five (25) percent gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a beauty shop in an apartment unit the board shall determine the area to be used for said operation.
- E. The beauty shop or barbershop shall be limited to a one (1) operator shop.
- F. No person not residing on the premises may be employed in the operation of the beauty shop or barbershop.
- G. Hours of operation shall be regulated by the board and shall be specified in the minutes of the case.
- H. That such use will not be contrary to the public interest.

I. Granting of the permit for a beauty shop or barbershop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years, and only after notice and hearings as provided in this chapter for appeals to the board of adjustment.

(5) Radio and television antennas. In any residential zoning district, antenna locations and heights other than those authorized by section 35-388 may be permitted subject to the following criteria:

A. The applicant must demonstrate that compliance with section 35-388 of this chapter would preclude effective communication and furthermore, such ineffective communication involves factors beyond the control of the applicant.

B. The applicant must comply with all of the requirements of section 35-388.

C. In determining the location or height to be permitted, the board of adjustment shall consider the mass of the antenna, the nature of the materials and design of the antenna, the location of the antenna in relation to setback lines, adjacent properties and power lines, the presence of screening structures or landscaping, and the visual impact of the antenna on adjacent properties and public rights-of-way.

xx49b ++++++

35-481 Appeals to Board of Adjustment

(b) Initiation

(7) Time Limit for Appeal.

xx49b The board of adjustment shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. Appeals to the zoning board of adjustment from any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter shall be made within thirty (30) days after such order, requirement, decision or determination by filing with the director of the department of development services and with the board of adjustment a notice of appeal.

xx50 ++++++

35-481 Appeals to Board of Adjustment

xx50 (e) Appeal from Board of Adjustment

An appeal from a board of adjustment decision shall be filed pursuant to VTCA Local Government Code § 211.011(b).

xx51 ++++++

35-481 Appeals to Board of Adjustment

xx51 (f) Postponement of Case

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

In the event the zoning board of adjustment postpones a case at the applicant's request, after notices has been given; the hearing will not be rescheduled until the postponement fee specified in Exhibit C has been paid by the applicant.

xx52 through xx58b ++++++
35-482 Zoning Variances
(e) Approval Criteria

No variance shall be granted unless:

1. the variance is not contrary to the public interest; and
2. due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
3. by granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.
- xx52** 4. such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
- xx53** 5. such variance will not substantially or permanently injure the appropriate use of adjacent conformity property in the same district.
- xx54** 6. such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
- xx55** 7. such variance will be in harmony with the spirit and purposes of this chapter.
- xx56** 8. the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
- xx57** 9. the variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specified district.
- xx58a** 10. the variance will not adversely affect the public health, safety or welfare of the public.
- xx58b** 11. property that is not properly platted shall be subject to the condition that platting shall be accomplished prior to the variance taking effect

xx59 & xx60 ++++++
35-504 Stormwater Management

The purpose of this section is to provide adequate measures for the retention, detention and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during development.xx59 Innovative runoff management practices designed to meet the provisions of the UDC, enhance the recharge of groundwater, and maintain the function of critical environmental features are

encouraged. xx60 The city recognizes that watercourses and their associated watersheds within the city of San Antonio's jurisdiction represent significant and irreplaceable recreational and aesthetic resources and contribute to the economic and environmental health of the city. In addition, all of the watersheds within the city are vulnerable to concentrated surface water runoff, disturbance of wildlife habitat, nonpoint source pollution and sedimentation resulting from development activities and should be developed in a sensitive and innovative manner.

xx61, xx62 & xx63 ++++++
35-504 Stormwater Management
(e) Site Design and Grading

(1) All land disturbing or land filling activities or soil storage shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation, and to safeguard life, limb, property and the public welfare in accordance with the NPDES (TPDES) construction site regulation ordinance, ordinance No. 94002, as amended, and the document entitled "Complying with the Edwards Aquifer Rules; Technical Guidance on Best management Practices, " by Michael E. Barrett, Ph.D., P.E. Center for Research in Water Resources, Bureau of engineering Research, University of Texas at Austin, (RG-348, June 1999), which documents are hereby incorporated by this reference.

xx61 (2) Erosion and sedimentation controls in accordance with the specifications established by the director of public works in compliance with the National Pollution Discharge Elimination System permitting requirements for the city are required.

xx62 (3) Projects shall not be considered complete until restoration has been made in accordance with NPDES requirements.

xx63 (4) Where possible, multiple uses of drainage facilities and open space shall be incorporated by the owner or developer of a new subdivision. Alternative uses such as public recreation, horse/bike/hiking trails, walking paths, nature preserves, wildlife habitat areas, etc. are encouraged subject to the approval of the director of public works.

(5) A note must be placed on the plat for residential lots, which states that finished floor elevations must be a minimum of eight (8) inches above final adjacent grade. A grading plan shall be prepared and submitted to the city of San Antonio, which indicates typical lot grading for all lots in the subdivision using typical FHA lot grading types (A, B & C). A more detailed grading plan is also acceptable. No more than two average residential lots may drain onto another lot unless a drainage easement is dedicated to contain the runoff.

xx64 ++++++
35-504 Stormwater Management
(d) Drainage easements / Rights-of-way

xx64 (3) Natural Watercourses or Floodplains.

Easements for natural watercourses shall be the 100-year floodplain or the 25-year plus freeboard (see [Table 504-9](#) of this Section) whichever is greater. In floodplain areas

where ongoing maintenance is required or the floodplain will be reserved for use by the public, the drainage easements shall be maintained by a public entity and the property will be dedicated to the city as a multi-use drainage easement. A drivable access way shall be provided in floodplain easements for the length of the easement when regular maintenance of the floodplain is required. Diversion of stormwater away from the natural watercourse will not be allowed except within the boundaries of the property controlled by the developer, provided that the diverted water is returned to the watercourse within which it would naturally have been flowing prior to leaving the developer's property. An analysis of the timing of the diverted hydrograph on watersheds greater than twenty (20) acres, as it reenters the receiving watercourse, must be performed to show that the peak flowrate in the receiving watercourse has not been increased as a result of the diversion.

xx65 ++++++
35-506 Transportation and street Design
(a) Applicability

xx65 D. The owner of any tract of land situated within the corporate limits or the extraterritorial jurisdiction of San Antonio who is required to file a plat shall provide street right-of-way dedication as required by this article.

xx66 ++++++
35-506 Transportation and street Design
(a) Applicability

(2) Building Permit Requirements.

xx66 E. Variance

A variance to the requirements of this section may be granted by the planning commission if the commission finds that there are special circumstances or conditions, unique to the land involved, such that strict application of these requirements would be unreasonable and the granting of the variance would not be detrimental to the public health, safety, or welfare. Application for a variance shall be submitted in writing to the director of planning accompanied by the variance fee specified in Exhibit C to this chapter and an eight and one-half by eleven (8 1/2 X 11) inch site plan indicating the location of the variance request and the location of existing sidewalks and curbs within a two thousand (2,000) foot radius.

xx67 & xx68 ++++++
35-506 Transportation and street Design
(b) Improvements Required

xx67 (2) Street Layout

The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and the Major Thoroughfare Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relation to the proposed uses of the land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood development.

xx68 (3) Standard Street Cross Sections

The subdivider shall develop the streets for the subdivision in accordance with the minimum standards in Section (d) following.

xx69 through xx71 ++++++
35-506 Transportation and street Design
(d) Cross-Section and Construction Standards

(11) Safety Lanes

xx69 A. Safety lanes shall be required when the planning commission determines that adequate access for safety is not provided within or into the subdivision. The planning commission shall consider the recommendations of the fire chief and/or police chief of the city in making their determinations. These additional safety lanes shall be delineated and designed as safety lanes on the appropriate plat(s) required by this chapter. The design standards and construction specifications of safety lanes shall be one of the following:

1. In accordance with the safety lane standards and specifications described in Exhibit A.
2. An unpaved, all-weather surface and base with a minimum width of twenty (20) feet capable of supporting heavy vehicles, e.g., fire-fighting apparatus, and meeting with the approval of the director of public works.

xx70 B. All private safety lanes shall be owned and maintained by a corporation, community association, or other legal entity as established for this purpose. The legal entity shall provide the city with written permission for access at any time without liability when on official business, and further to permit the city to remove at any time any and all obstructions of any type in safety lane and to assess the costs of removal to the owner(s) of the obstruction.

xx71 C. The city shall not be liable for damage to underground utilities beneath designated safety lanes caused by heavy city vehicles.

xx72 ++++++
35-506 Transportation and street Design
(e) Connectivity

(2) Projecting Streets.

xx72 If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and logical further subdivision.

xx73 & xx74 ++++++
35-506 Transportation and street Design
(g) Dedication of Arterial

xx73 (4) Arterial Streets

Where a primary or secondary arterial street, as shown on the Major Thoroughfare Plan, traverses or is contiguous with an area being platted, such primary or secondary arterial street shall be platted in the location and of the width indicated by the requirements of the Major Thoroughfare Plan and these regulations. In no event shall an area be platted so as to leave a narrow strip of land which is unsuitable as a building site, unmarketable, or is undevelopable (as these terms are commonly known) and which is excluded from plating for the purpose of circumventing these requirements.

xx74 (5) Marginal Access Streets

Marginal access streets should be located parallel to and adjacent to an arterial street.

**xx75 ++++++
35-506 Transportation and street Design
(h) Street Names & Signage**

xx75 (5) Street Name Changes

Requests for street name changes within the city limits shall be submitted to the city clerk. An application processing fee as specified in Exhibit C shall be paid to the director of development services for each street name change request prior to consideration of the request by the city council. Additionally, an installation fee as specified in Exhibit C for each sign that needs to be changed per each street intersection shall also be paid prior to the city council consideration. The installation fee shall be refunded if the request is not approved.

**xx76 ++++++
35-506 Transportation and street Design
(j) Private Streets**

xx76 (6) Parking on Private Streets

Parking on private streets shall be prohibited on any private street less than twenty eight (28) feet in width and if utilized on streets thirty (30) feet wide or wider, it must be clearly distinguishable from the movement lanes.

**xx77 ++++++
35-506 Transportation and street Design
(r) Access and Driveways**

(2) Single-Family Residential Subdivisions.

- xx77 A.** Where a subdivision abuts a major thoroughfare, lots for single-family residential use in the ETJ or in residential zoning districts shall not front on the thoroughfare, the sole exception shall be lots greater than one (1) acre in size which provide for permanent vehicular turn around on the lot to prevent backing onto the thoroughfare and this restriction should be noted on the plat. Access points which would permit vehicular access to such lots less than one acre in size from the thoroughfare shall be prohibited. However, if conditions are such that vehicular access to such lots cannot be provided other than from the collector or arterial street, the director of development services may permit the creation of a

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

marginal access street or easement to serve two (2) or more lots. The marginal access street or easement shall be designed to permit entry to the thoroughfare without requiring a motorist to execute a backing maneuver. Marginal access streets or easements shall be included on the subdivision plat.

B. Marginal access streets

Where the subdivider furnishes a marginal access street on the subdivision side of a primary or secondary arterial, he shall not be required to furnish any pavement, curbs, or sidewalks for the primary or secondary arterial.

xx78 ++++++

35-507 Utilities

(d) Water, Wastewater and Recycled Water Systems

xx78 (1) Generally.

All subdivisions within the city and its extraterritorial jurisdiction shall be provided with water and wastewater systems. Water, waste water recycled water systems shall be installed in accordance with the utility service provider's "utility service regulations."

The regulation for water service, system extension, and service line installation adopted by the applicable utility provider and the criteria for water supply and distribution in the city and its extraterritorial jurisdiction are hereby adopted as a part of the city planning area subdivision regulations and are on file in the office of the city clerk.

xx79 ++++++

35-507 Utilities

(d) Water, Wastewater and Recycled Water Systems

xx79 (4) Unsewered Lots.

Where an organized sanitary sewer collection system is not provided, the lot size shall be determined in accordance with the requirements of the Bexar County Commissioners Court order "Regulating and Licensing of Private Sewage Facilities," and shall be approved by the county director of public works prior to approval by the planning commission. Planned unit developments shall not be permitted with septic tank system installations unless approved by the county director of the public works. If approved, the septic tank system shall serve only one (1) lot and shall be located on that lot.

xx80, xx81 & xx82 ++++++

35-507 Utilities

(h) Municipal Utility Districts

xx80 (1) Policy

The stated policy of the City of San Antonio as contained in Resolution Number 86-29-83, passed by the city council on June 26, 1986, is to discourage the formation of municipal utility districts or other special districts. It is prudent for the city to consent to the creation

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

of such districts under certain circumstances. The city's goal is to limit the extent of its financial liability in all such cases.

xx81 (2) Guidelines.

The city manager and the city staff are hereby authorized to enter into negotiations for consent agreements which the promoters of proposed districts when such consent is in the city's best interests. The city council hereby adopts the following guidelines and negotiation goals for developing such agreements.

- A. Developer shall secure the wastewater discharge permit.
- B. Developer shall establish costs for a state approved municipal water system.
- C. A limit shall be set on the dollar amount of the bonds issued.
- D. Developer's contribution shall be increased beyond the thirty (30) percent set in the Texas Code.
- E. A time limit shall be set on debt retirement.
- F. Proceeds from bond sales are to be used only for water and sewer facilities.
- G. An exofficio member of the municipal utility district board of directors is to be appointed by city council.
- H. Thirty (30) days notice of proposed bond issue (sale) must be given to the city clerk.
- I. A copy of the municipal utility district's annual report to the Texas Water Commission must be given to the city clerk.
- J. The municipal utility district shall not provide water or wastewater service to any tract unless the planning commission has approved a plat for that tract and the plat has been recorded in the county deed records.
- K. The municipal utility district shall not provide services outside its boundaries unless specifically approved by city council.
- L. No land may be annexed into a district without city council approval.
- M. All right-of-way, public park land, utility and drainage easements must be dedicated to the district.
- N. All development and public improvements within the district must conform to city codes and regulations; all plans and construction for public improvement projects must be approved by city inspectors.
- O. Developer must run a financial feasibility analysis on the city model.
- P. A limit shall be established on the amount allowed for a professional services contract.

xx82 (3) Negotiation Goals

These negotiation goals are not meant to be all-inclusive and staff may amend as necessary in the city's best interests.

xx83 ++++++
35-602 Administration
(a) Notification of Affected Property Owners

Prior to historic and design review commission consideration of any property for historic designation, or removing or upgrading the designation of historic, as it applies to a district or landmark, the historic preservation officer shall send notice of the fact by mail to the owner or owners of affected property, stating reasons for recommendation. Upon passage of any ordinance designating as historic, or removing or upgrading the designation of historic, as it applies to a district or landmark, the city clerk shall send notice of the fact by mail to the owner or owners of affected property. This action shall be in addition to notice given prior to public hearing as set forth under the city's zoning code.

xx83 Property owners within a proposed historic district boundary shall be notified prior to historic and design review commission hearing on the historic district designation. Upon recommendation of the commission, the proposed historic district designation shall be submitted to the zoning commission for its review and recommendation. The zoning commission shall give notice, conduct its hearing, and make recommendations to the city council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of San Antonio. In like manner, the city council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of San Antonio.

xx84 ++++++
35-614 Demolition
(b) Unreasonable Economic Hardship
(3) Criteria.

xx84 K. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

xx85a through xx88 ++++++
35-614 Demolition
(d) Documentation & Strategy

xx85a (1) Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer.

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

xx85b (2) Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

xx86 (3) Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction are met, and the property owner provides financial proof of his ability to complete the project.

xx87 (4) When the commission recommends approval of a certificate for buildings, objects, sites, or structures designated landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

xx88 (e) Issuance of Permit

When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

xx89 ++++++
35-651 Eligible and Ineligible Design Enhancements

xx89 (c) Specifically excluded from this section is artwork in the museum collection of the San Antonio Museum of Art and the Witte Museum.

xx90 ++++++
35-652 Responsibilities
(c) Public Art Committee

xx90 (9) Relocation of artwork shall be done upon recommendation of the subcommittee to the commission after consideration of the appropriateness of the proposed new location for the artwork ensuring that the new site is properly prepared and landscaped as an appropriate setting for the artwork and, if need be, consultation with the artist of the artwork.

xx91 ++++++
35-711 Expansion of Nonconforming Use by Specific Use
(a) Applicability

xx91 The provisions of this section apply to any application for development approval in which the applicant claims an exemption from any provision of this chapter based on common law or statutory vested rights. Neither an expired nor a withdrawn plat application may be relied upon as a permit application for the assertion of vested, development or any other right or claim. If after the expiration or the withdrawal of a plat application the applicant wishes future plat approval of the subject property, a new plat application shall be filed, new application fees shall be required and a new plat number shall be assigned.

xx92 & xx93 ++++++
35-712 Recognition of Vested Rights Derived From Texas Local
Government Code Chapter 245
(b) Vested Rights Recognition Process

xx92 (3) Basis for Permit Rights

The following criteria will be used by the city in determining the existence of rights for projects initiated after September 1, 1997. The following permits may be relied on by a property owner or developer to establish permit rights for property that is the subject of the permit. Provided, however, a minor plat that plats only easements shall not confer any permit rights. The permit rights acquired in reliance on (1) of the types of permits indicated below will expire unless the action required to maintain permit rights is taken within the time frame indicated for each permit type.

A. Preliminary overall area development plan (POADP)

Permit rights will be recognized on the property which is the subject of a POADP that has been approved by the city planning department. The permit rights recognized for property located with an approved POADP will expire unless a final plat is approved within eighteen (18) months from the approval of the POADP that plats, at least eight (8) percent of the net area of the POADP area or that requires at least five hundred thousand dollars (\$500,000.00) in infrastructure expenses if the POADP is one thousand (1,000) acres or less or at least one million dollars (\$1,000,000.00) if the POADP is more than one thousand (1,000) acres. Further, the permit rights for property within an approved POADP will expire unless fifty (50) percent of the net area with the approved POADP is the subject of final plats or development within ten (10) years from the date of approval of the POADP. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the POADP has been platted or developed Unless specific provisions to the contrary exist in an individual ordinance or city code provision, the filing of an amending POADP, plat or replat will not result in a loss of permit rights provided that the required area of acreage within the POADP platted or value of infrastructure expenses do not fall below the amounts indicated above as a result of the amendment or replat.

B. Plat Applications

Permit rights will be recognized on the property that is the subject of a plat application that has been filed with the city planning department, provided all necessary platting fees have been paid. The rights recognized for property located within such a plat application will expire unless the plat application is heard by and approved by the director of planning or the planning commission within eighteen (18) months from the date the plat application is filed with the city planning department.

C. Plats

Permit rights will be recognized on the property which is the subject of a plat that has been approved by the city planning commission or director of planning. The permit rights recognized for property located within an approved plat will expire unless the plat is recorded in the Bexar County Deed Records within three (3)

years from the date of approval by the city planning commission or director of planning.

D. Building Permits

A building permit may be relied on as a basis for permit rights for property identified in the site plan submitted to the city as part of the building permit application. However, rights that are base on a building permit will expire unless construction authorized by the building permit is begun within sic (6) months from the date the building permit is issued.

xx93 E. Permit Rights Conferred

Permits rights conferred by this section shall not extend beyond the time periods prescribed herein except by the granting of a variance from the time limits as provided herein. Under no circumstances shall the extension of a time limit extend the permit rights conferred herein except through the variance provision of this section.

xx94 & xx95 ++++++
35-801 Board of Adjustment
(k) Findings of Fact

xx94 (1) Power to Make Exceptions.

The zoning board of adjustment may make special exceptions to the terms of this chapter only as provided in Divison 7 of Article III this chapter; however, the board shall not grant a special exception unless it makes specific findings that:

- A. The exception will be in harmony with the spirit and purposes of his chapter.
- B. The public welfare and convenience will be substantially served.
- C. The neighboring property will not be substantially injured by such proposed use.
- D. The exception will not alter the essential character of the district and location which the property for which the exception is sought.
- E. The exception will not weaken the general purpose of this chapter or the regulations herein established for the specific district.

xx95 (2) Record of Action

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized.

xx96 & xx97 ++++++
35-B121 Subdivision Plat Application
(c) Contents

xx96 (19) **Plat name.** The term "planned unit development" shall be included in the name of each plat.

Non-deleted 1987 UDC provisions incorporated into the July 2005 UDC draft.

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xx97 20) Plat notation. A plat which includes common areas or facilities to be maintained by a community association shall be annotated with the following note:

“A legal instrument establishing a plan for the use and permanent maintenance of the common areas/facilities designated on this plat is being recorded on the same date as this plat”.